

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEKSANDR KOGAN,

Plaintiff,

-v-

FACEBOOK, INC., et al.,

Defendants.
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: 19 Civ. 2560 (PAE)
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ORDER

PAUL A. ENGELMAYER, District Judge:


On November 26, 2019, the Court issued an order to show cause, as plaintiff had not filed an affidavit of service or a waiver of service of the summons and complaint on the docket of this case. Dkt. 17. On December 2, 2019, plaintiff filed a motion for leave to file a waiver of service form or, in the alternative, to extend time for service of the complaint, Dkt. 18, in addition to declarations, Dkts. 19–20, and a memorandum of law in support, Dkt. 21. On December 5, 2019, defendants filed a motion for sanctions under Rule 11, Dkt. 22, and a memorandum of law in support, Dkt. 23. Defendants also filed a letter that expressed their intention to respond to plaintiff’s motion for leave to file a waiver of service, and that also included an affidavit of service of their Rule 11 motion.

The Court prefers to first address plaintiff’s motion for leave to file a waiver of service and to determine whether this case should be dismissed for, *e.g.*, plaintiff’s failure to serve defendants or file a waiver of service within 90 days of the date of removal. Accordingly, the Court stays defendants’ motion for sanctions pending resolution of plaintiff’s motion.

The Court sets the following briefing schedule for plaintiff’s motion:

- Defendants' opposition is due December 16, 2019; and
- Plaintiff's reply is due December 23, 2019.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: December 6, 2019
New York, New York